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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 Petitioner Service Employees International Union, Local 715 (“Local 715”) hereby moves
20 to change the intra-district assignment of the above-captioned case.

21 Northern District of California Civil Local Rule 3-2 governs the intra-district assignment of
22 actions. Local Rule 3-2 states that:

Upon initial filing, all civil actions and proceedings for which this district is the proper venue shall be assigned by the clerk to a courthouse serving the county in which the action arises. A civil action arises in the county in which a substantial part of the events or admissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.

Civil L.R. 3-2(c).

Rule 3-2 further states that, "All actions which arise in the counties of Santa Clara...shall

1 be assigned to the San Jose Division.” Civil L.R. 3-2(e).

2 Originally, Local 715 filed this instant action in the San Francisco Division because
 3 Respondents had filed a related action, a Petition to Vacate, in Case No. C-07-5158 MMC, against
 4 Local 715. Because of this fact, Local 715 filed the instant action in the San Francisco Division in
 5 order to relate the cases to each other.

6 On February 1, 2008, the Honorable Maxine M. Chesney granted Respondents’ Motion for
 7 Change of Intra-District Assignment in Case No. C-07-5158 MMC, and transferred the case
 8 assignment to the San Jose Division.

9 Under Civil Local Rule 3-2(c) and (e), and due to the fact that the court has already
 10 transferred assignment in the case filed by Respondents, Local 715 asks that this case be reassigned
 11 to the Court’s San Jose Division. All of the acts and omissions that give rise to this action took
 12 place in Santa Clara County. Respondents are located in Santa Clara County where the alleged
 13 contract violation was committed. Local 715 is also located in Santa Clara County.

14 Furthermore, with Civil Local Rule 3-2(f), which states:

15 Whenever a judge finds, upon the judge’s own motion or the motion of any
 16 party, that a civil action has not been assigned to the proper division within
 17 this district in accordance with this rule, that the convenience of parties and
 18 witnesses in the interests of justice will be served by transferring the action
 19 to a different division within the District, the judge may order such transfer,
 20 subject to the provisions of the Court’s assignment plan.

21 Thus, given the following facts: The parties reside in Santa Clara County; the acts and/or
 22 omissions giving rise to this action occurred in Santa Clara County; the fact that Local 715 filed
 23 the instant action in the San Francisco Division of the Northern District only because the
 24 Respondents had filed a similar and related action in the San Francisco Division of the Northern
 25 District, which has now been reassigned to the San Jose Division; and the fact that Civil Local
 26 Rules mandate that the assignment of the action should be with the San Jose Division of this Court,
 27 Local 715 requests that this matter be transferred to the San Jose Division of the Northern District
 28 Court.

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1 Dated: February 15, 2008

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4 By: /s/BRUCE A. HARLAND
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